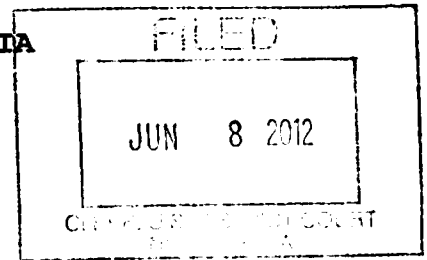


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



ADONAY SWORD YADA AL-A ALLAH, # 1063962

Petitioner,

v.

ACTION NO. 2:11cv553

HAROLD W. CLARKE,  
Director of the Virginia  
Department of Corrections,

Respondent.

**FINAL ORDER**

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of Petitioner's constitutional rights pertaining to his conviction for the possession of marijuana. Petitioner was convicted of this crime on March 23, 2010 in the Suffolk General District Court, as a result of which he was sentenced to serve six months in jail, with five months suspended, and two years probation.

The petition was referred to a United States Magistrate Judge for report and recommendation, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and

Recommendation, filed May 8, 2012, recommends that Allah's petition for writ of habeas corpus be denied, Respondent's Motion to Dismiss be granted, and Allah's Motion to Compel be denied as moot. The Court has received no objections to the Report and Recommendation, and the time for filing objections has expired.

The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation filed May 5, 2012. The petition's only ground for relief asserts the Suffolk General District Court lacked in personam jurisdiction over Petitioner to arrest, hold, or restrain him, as he is not a resident of any state and is an Aboriginal Indigenous Washitaw Moorish National. This claim is DENIED because it is procedurally defaulted. It is therefore ORDERED that Respondent's Motion to Dismiss be GRANTED, and that the petition be DENIED and DISMISSED with prejudice. It is further ORDERED that judgment be entered in favor of Respondent. Further, it is ORDERED that the Motion to Compel be DENIED as moot.


On May 17, 2012, Petitioner filed a Motion for Default Judgment (ECF No. 18), claiming that, because Respondent failed to "plead or otherwise defend in a timely manner the questions and the 4 exhibits in evidence in this civil action," he was entitled to a default judgment. Respondent did not respond to

this motion, and this matter is ripe for adjudication. It is ORDERED that Petitioner's Motion for a Default Judgment be DENIED.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 30 days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.

\_\_\_\_\_  
/s/  
Rebecca Beach Smith  
Chief  
United States District Judge   
\_\_\_\_\_  
Rebecca Beach Smith  
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
June 8, 2012